IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

WEDNESDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND NINE

PRESENT
THE HON'BLE MR JUSTICE C.V.RAMULU
WRIT PETITION NO : 17384 of 2003

Between:
B.S.Ramachandra Rao, s/o late Sri Ramachandra Murthy,
r/o 8-97, Gautam Nagar, Dilsukhnagar, Hyderabad.
..... PETITIONER

AND

A.p.Power Generation Corporation Ltd., Vidyutsoudha, Hyderabad.
rep., by its Chairman & Managing Director.
.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue order, direction or a writ more particularly one in thenature of writ of mandamus directing the respondents to pay an amount of Rs.1,19,179/- towards Gratuity

Counsel for the Petitioner:MR.V.RAMU

Counsel for the Respondent No.: .

The Court made the following :

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.17384 of 2003

ORAL ORDER:

This writ petition is filed seeking a Mandamus directing the respondent to register 116.66 sq.yards of excess land in respect of S..R.T.No.195 at Industrial Colony, Jawahar Nagar, Chikkadpally, Hyderabad on petitioner's name in terms of G.O.Ms.No.2, Labour

Employment, Training and Factories (Lab.III) Department dated 31.1.2002 and to declare the action of the respondent in issuing L.R.No.H3/SRT-195-CPC/2002 dated 29.7.2002 as arbitrary and illegal.

It appears, petitioner was allotted with S.R.T.No.195 of Jawaharnagar, Chikkadpally, Hyderabad while he was working as Industrial Worker. According to the petitioner, there was an excess land abutting to his quarter and the Government regularized such excess lands in favour of allottees of S.R.T.Nos.197, 198 and 199. According to the petitioner, his quarter i.e. S.R.T.No.195 is on the same line and he stands on the same footing. According to the petitioner, he had constructed three RCC rooms on the eastern side and was in occupation and possession of excess land of 116.66 sq.yards. Further, Government also issued G.O.Ms.No.67 dated 28.11.2000 for regularization and registration of excess land occupied by the allottees. Government also issued G.O.Ms.No.2 dated 31.1.2002 for regularization of excess land and given different slab rates. This G.O. refers to both registered as well as unregistered plots. As per the said G.O., petitioner's case fall under sub-clause (c) and he has to pay 100% of the prevailing registration market value. According to the petitioner, he w2as not meted with same response as was done in the case of owners of S.R.T.Nos.197, 198 and 199. Therefore, petitioner made several representations to the authorities requesting to regularize the excess land held by him in terms of G.O.Ms.No.2 dated 31.1.2002, but there was no response. Hence this writ petition.

There is no necessity of going into all the details. It is suffice to notice the counter filed by the respondent, in which it has stated that the excess land held by the owners of S.R.T.Nos.197, 198 and 199 was within the compound wall constructed by the Government. Whereas, the land held by the petitioner i.e. 116.66 sq.yards was situated outside the compound wall and the petitioner raised structures on the same. Therefore, his case was not considered either as per earlier G.Os. or as per G.O.Ms.No.2 dated

31.1.2002 since the land occupied by the petitioner was meant for common public purpose. The excess land, which was situated within the compound wall constructed by the Government, and which was not meant for common public purpose, was regularized. Therefore, the application of the petitioner was rejected.

From the above, it is clear that the land occupied by the petitioner falls within the common public purpose utility area and not within the compound wall constructed by the Government. Therefore, the petitioner is neither entitled for allotment of land to him nor regularization of structures raised thereon. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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C.V.RAMULU, J

Date: 17.6.2009
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THE HON'BLE SRI JUSTICE C.V. RAMULU

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